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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON
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6 JAVIER GONZALEZ RODRIGUEZ,
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8 Plaintiff,

9 vs.

10 COMMISSIONER OF SOCIAL
11 SECURITY,

12 Defendant.
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No. 2:15-CV-0333-FVS

ORDER ADOPTING REPORT AND
RECOMMENDATION TO GRANT
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND TO
DENY DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

ECF No. 13, 14, 18
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16 **BEFORE THE COURT** is the Report and Recommendation issued by
17 Magistrate Judge Mary K. Dimke on March 22, 2017, ECF No. 18, recommending
18 Plaintiff's Motion for Summary Judgment, ECF No. 13, be granted, and Defendant's
19 Motion for Summary Judgment, ECF No. 14, be denied. Defendant filed an
20 objection to the Report and Recommendation on April 5, 2017, solely to clarify that
21 "it appears the reference to 'psychological' limitations and taking additional
22 testimony from 'psychological' experts in ... the [Report and Recommendation] are
23 typographical errors and instead should have been references to 'physical'
24 limitations and 'medical' experts." ECF No. 19 at 3 (citing ECF No. 18 at 24 n.2,
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25). Aside from this typographical error, Defendant did not otherwise object to the Report and Recommendation. ECF No. 19 at 4. Plaintiff did not file a response.

After review, the Court adopts the Report and Recommendation in its entirety, except that the reference to “psychological limitations” (ECF No. 18 at 24 n.2) is affirmed to be “physical limitations;” and the reference to “psychological experts” in the “conclusion” portion of the Report and Recommendation (ECF No. 18 at 25) is affirmed to be “medical experts.” In all other respects, the Report and Recommendation is adopted.

Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation, **ECF No. 18**, is **ADOPTED** in its entirety, except that the reference to “psychological limitations” (ECF No. 18 at 24 n.2) is affirmed to be “physical limitations;” and the reference to “psychological experts” in the “conclusion” portion of the Report and Recommendation (ECF No. 18 at 25) is affirmed to be “medical experts.”

2. Plaintiff’s Motion for Summary Judgment, **ECF No. 13**, is **GRANTED**.

3. Defendant’s Motion for Summary Judgment, **ECF No. 14**, is **DENIED**.

4. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to file this Order and forward copies to the parties. Judgment shall be entered for Plaintiff and the file shall be **CLOSED**.

1 DATED May 8, 2017.

2 s/Fred Van Sickle

3 Fred Van Sickle

4 Senior United States District Judge